IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ASTRAZENECA LP, ASTRAZENECA AB, ASTRAZENECA UK LIMITED, and ASTRAZENECA PHARMACEUTICALS LP, Plaintiffs, v. SIGMAPHARM LABORATORIES, LLC, et al. Defendants.	C.A. No. 15-1000-RGA CONSOLIDATED **REDACTED VERSION**
ASTRAZENECA LP, ASTRAZENECA AB, and ASTRAZENECA PHARMACEUTICALS LP, Plaintiffs, v. HEC PHARM CO., LTD., HEC PHARM GROUP, and HEC PHARM USA, INC., Defendants.	C.A. No. 15-1041-RGA

STIPULATION AND [PROPOSED] ORDER DISMISSING
ALL CLAIMS AND COUNTERCLAIMS WITHOUT PREJUDICE

This stipulation is made by and between Plaintiffs AstraZeneca LP, AstraZeneca AB, and AstraZeneca Pharmaceuticals LP (collectively "AstraZeneca" or "Plaintiffs"); and Defendants HEC Pharm Co. Ltd., HEC Pharm Group,[1] and HEC Pharm USA, Inc. (collectively "HEC" or "Defendants").

[1] HEC Pharm Group is not a legal entity and, thus, is not a proper party to this action. Without waiving any rights thereto, HEC agrees to this stipulation on behalf of all three named defendants.

WHEREAS, on July 20, 2015, HEC Pharm Co., Ltd. filed Abbreviated New Drug Application ("ANDA") No. 208508 with the United States Food and Drug Administration ("FDA") for its proposed ticagrelor tablets, 90 mg. Also on July 20, 2015, HEC Pharm Co., Ltd. filed a Patent Certification with ANDA No. 208508, certifying in accordance with Section 505(j)(2)(A)(vii)(IV) of Title 1 of the Federal Food, Drug and Cosmetic Act that U.S. Patent Nos. 7,265,124 ("'124 Patent") and 8,425,934 ("'934 Patent") (collectively, "Patents-in-Suit") are invalid, unenforceable or will not be infringed by the manufacture, use, or sale of its proposed ticagrelor tablets, 90 mg ("Paragraph IV Certification").

WHEREAS, on November 12, 2015, in response to HEC Pharm Co., Ltd.'s Paragraph IV Certification, Plaintiffs filed suit against Defendants in the above-captioned case ("Plaintiffs' Complaint"; D.I. 1), asserting infringement of the Patents-in-Suit under 35 U.S.C. § 271(e)(2)(A);

WHEREAS, on December 21, 2015, Defendants answered Plaintiffs' Complaint ("Defendants' Answer"; D.I. 13), asserting affirmative defenses regarding the Patents-in-Suit, as well as counterclaims for declaratory judgment of non-infringement and invalidity of the Patents-in-Suit;

WHEREAS, on January 14, 2016, Plaintiffs answered Defendants' counterclaims ("Plaintiffs' Answer"; D.I. 20), asserting various affirmative defenses in response;

WHEREAS, pursuant to the Court's Scheduling Order, Plaintiffs received from Defendants confidential information associated with ANDA No. 208508 pursuant to Delaware Local Rule 26.2;

[redacted]

[redacted]

NOW THEREFORE, in light of the information provided by HEC and in reliance thereon by AstraZeneca, it is hereby stipulated and agreed, subject to the approval of the Court, that:

1. Plaintiffs' Complaint for infringement of the Patents-in-Suit shall be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a)(2), and Defendants' corresponding affirmative defenses within Defendants' Answer shall be dismissed without prejudice.

2. Defendants' Counterclaims for declaratory judgment of non-infringement and invalidity, respectively, of the Patents-in-Suit shall be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a)(2), and Plaintiffs' corresponding affirmative defenses within Plaintiffs' Answer shall be dismissed without prejudice.

3. Civil Action No. 15-1041-RGA will be terminated, upon entry of this Stipulation and [Proposed] Order by the Court, with each party to bear its own costs and fees.

SO STIPULATED:

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DATED: AUGUST 23, 2016

Redacted Version Filed: September 6, 2016

IT IS SO ORDERED this 24 day of August, 2016.

Redacted Version Filed: September 6, 2016

RICHARD G. ANDREWS
UNITED STATES DISTRICT JUDGE